

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CRIMINAL CASE NO. 1:06cr54

UNITED STATES OF AMERICA,)
)
)
)
vs.))
)
)
RICHARD EDWARD MILLER.)
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)

O R D E R

THIS MATTER is before the Court on the Defendant's *pro se* Motion to Correct or Modify or Otherwise Adjust Payment of Fine [Doc. 19], filed on November 6, 2009.

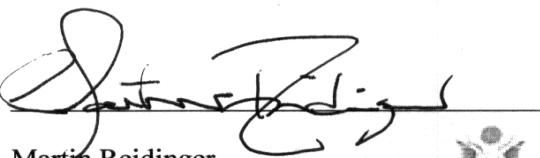
The Defendant moves the Court pursuant to 18 U.S.C. § 3572(d)(3) to vacate the amount of restitution imposed upon him or, in the alternative, to adjust the payments that he is required to make through the Inmate Financial Responsibility Program (IFRP) to no more than \$25.00 per quarter. [Doc. 19].

The Court is not authorized to vacate a restitution order pursuant to 18 U.S.C. § 3572(d)(3). See United States v. Millegan, No. CR.A.DKC 01 367, Civ. A.DKC 07 984, 2007 WL 2071784, at *2 (D. Md. Jul. 17, 2007).

Nor does the Court have jurisdiction to entertain the Defendant's request for a modification of his IFRP payments. The Bureau of Prisons has the authority to place a defendant in the IFRP based on the wording contained in the criminal judgment. See United States v. Watkins, 161 F. App'x 337 (4th Cir. 2006); Bramson v. Winn, 136 F. App'x 380 (1st Cir. 2005). Before seeking relief from any court regarding obligations under the IFRP, a defendant must exhaust all administrative remedies through the Bureau of Prisons. McGhee v. Clark, 166 F.3d 884, 885-87 (7th Cir. 1999). Once all administrative remedies have been exhausted, a defendant may challenge such payments only by filing the appropriate pleading in the district court of confinement, not the sentencing court. See Matheny v. Morrison, 307 F.3d 709, 712 (8th Cir. 2002); Moore v. Olson, 368 F.3d 757, 759 (7th Cir. 2004).

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Correct or Modify or Otherwise Adjust Payment of Fine [Doc. 19] is **DENIED**.

Signed: January 6, 2010



Martin Reidinger
United States District Judge

